

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 128-137 and 145-150 are pending after entry of the amendments set forth herein.

Claims 1-127 and 138-144 have been canceled without prejudice to the possibility of filing one or more continuing applications directed to the subject matter recited therein.

Claims 128-137 and 145-149 were examined. Claims 128-130 and 132-134 were rejected. Claims 131 and 135-137 were objected to. Claims 145-147 and 149 were allowed.

Applicants respectfully request reconsideration of the application in view of the amendments and remarks made herein.

No new matter has been added.

The Office Action

Claims Rejected Under 35 U.S.C. Section 102(e) (Taylor et al.)

In the Official Action of October 11, 2007, claims 128-129 and 148 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Taylor et al, U.S. Patent No. 6,036,641. It is respectfully submitted that the contact member 1 of Taylor et al. shown in Fig. 8 does not incline upwardly at a perimeter portion thereof. Claims 128 and 148 have been amended above to recite this feature. Support for these amendments can be found, for example, at page 40, lines 25-26 of the specification.

In view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 128-129 and 148 under 35 U.S.C. Section 102(e) as being anticipated by Taylor et al, U.S. Patent No. 6,036,641, as being no longer appropriate.

Claims Rejected Under 35 U.S.C. Section 103(a) (Borst et al. in view of Wright)

Claims 128-130 and 132-134 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Borst et al., U.S. Patent No. 5,836,311 in view of Wright, U.S. Reissue Patent No.

RE38,814. The Examiner asserted that Borst et al. shows a contact member 81 and connecting member 80 and that it would have been obvious to make the contact member of Borst et al. in the form of a continuous loop depending on the surgery performed, as taught by Wright. Applicants respectfully disagree, since Borst et al. specifically teaches away from forming the contact member 81 as a continuous ring. Referring to column 7, lines 44-47, Borst et al. discloses that the opening 83 permits the suction head 81 to be removed from around the grafted artery. Accordingly it is respectfully submitted that it would not have been obvious to make the suction head 81 as a continuous loop, as suggested by the Examiner, because this would destroy the ability to remove the suction head 81 from around the grafted artery.

Further, Applicants have amended claim 128 above to further recite that the contact member inclines upwardly at a perimeter portion thereof. It is respectfully submitted that neither Borst et al. nor Wright teaches or suggests this feature.

Accordingly, in view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 128-130 and 132-134 under 35 U.S.C. Section 103(a) as being unpatentable over Borst et al., U.S. Patent No. 5,836,311 in view of Wright, U.S. Reissue Patent No. RE38,814, as being inappropriate.

Claims Rejected Under 35 U.S.C. Section 103(a) (Taylor et al. in view of Wright)

Claim 130 was were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Taylor et al, U.S. Patent No. 6,036,641 in view of Wright, U.S. Reissue Patent No. RE38,814. The Examiner asserted that the contact member of Taylor et al. has a circular shape and that it would have been obvious to construct the contact member of Taylor et al. in the form of a continuous loop, as taught by Wright.

Applicants have amended claim 128 above to further recite that the contact member inclines upwardly at a perimeter portion thereof. It is respectfully submitted that neither Taylor et al. nor Wright teaches or suggests this feature. Accordingly, it is respectfully submitted that claim 130 patentably defines over the cited references for at least the same reasons, since claim 130 depends from claim 128.

Accordingly, in view of the above amendments and remarks, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 130 under 35 U.S.C. Section 103(a) as being unpatentable over Taylor et al, U.S. Patent No. 6,036,641 in view of Wright, U.S. Reissue Patent No. RE38,814, as being inappropriate.

Allowed Claims

Applicants wish to extend their appreciation to the Examiner for the indicated allowance of claims 145-147 and 149.

Conclusion

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-021DIV.

Respectfully submitted,
LAW OFFICE OF ALAN W. CANNON

Date: _____

1/11/08

By: _____



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